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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

EILEEN FINEGAN, a single woman,
Plaintiff,

vs.

AUTOTRANSPORTES TUFESA S.A. de
C.V., a foreign corporation; TUFESA USA,
L.L.C., an Arizona Corporation,
Defendants.

No. 07-CV-693

FIRST AMENDED
COMPLAINT

(Assigned to
Hon. Frank R. Zapata)

PLAINTIFF ALLEGES:

I.

That plaintiff is a resident of Pima County, Arizona; that defendant AUTOTRANSPORTES TUFESA S.A. de C.V., is a foreign corporation doing business in the State of Arizona and having sufficient minimum contacts with the State of Arizona so as to be subject to the jurisdiction of this Court; that defendant TUFESA USA, L.L.C., is doing business in the State of Arizona.; that the amount in controversy exceeds the minimum jurisdictional limit of this Court.

II.

That at all times herein mentioned, defendants AUTOTRANSPORTES TUFESA S.A. de C.V., and TUFESA USA, L.L.C., owned, operated, and maintained a public bus transportation business.

III.

That the aforementioned ownership, operation, and maintenance of a public bus transportation business is conducted in such fashion that the defendant corporations have identity of interest and are alter-egos.

IV.

That on July 9, 2007, plaintiff was a passenger on a public bus owned and/or leased by defendant(s) AUTOTRANSPORTES TUFESA S.A. de C.V., and/or TUFESA USA, L.L.C.

V.

That at all times relevant hereto, the subject bus was driven by an employee of the corporate defendant(s) AUTOTRANSPORTES TUFESA S.A. de C.V., and/or TUFESA USA, L.L.C.

VI.

That at all times relevant hereto, the driver of the subject bus was acting in the course and scope of his employment with defendant(s) AUTOTRANSPORTES TUFESA S.A. de C.V., and/or TUFESA USA, L.L.C.

VII.

That the corporate defendants are liable for the acts of their employee through the doctrine of respondeat superior.

VIII.

That at all times material hereto, plaintiff was a business invitee upon the subject bus.

IX.

That the subject bus, upon information and belief, was operated by one or more of the defendants subject to a Master lease, to which both defendants were parties.

X.

That on July 9, 2007, while driving on highway 15D near Benjamin Hill, in Sonora, Mexico, the driver of the subject bus negligently operated the bus so as to lose control of the vehicle, causing the bus to crash.

XI.

That as a direct and proximate result of the aforementioned negligence, plaintiff EILEEN FINEGAN sustained personal injuries, the extent and nature of which are not at present fully known, and from which injuries plaintiff has suffered, does now suffer, and will continue to suffer great pain, all to plaintiff's damage in a reasonable amount as determined herein.

XII.

That as a direct and proximate result of the above-stated negligence and as a consequence thereof, plaintiff has required the services of physicians and other medical attendants and plaintiff will require the service of such individuals for an undetermined time in the future, all to the plaintiff's damage in a reasonable amount as determined herein.

XIII.

That as a direct and proximate result of the above-stated negligence and as a consequence thereof, plaintiff EILEEN FINEGAN has incurred lost earnings, all to plaintiff's damage in a reasonable amount as determined herein.

WHEREFORE, plaintiff prays for judgment against the defendants as follows:

1. For special damages in an amount to be determined herein;
2. For general damages in a just and reasonable amount;

3. For plaintiff's cost of suit incurred herein;
4. For prejudgment interest on all liquidated sums; and
5. For such other and further relief as the Court deems just and proper.

DATED this 6th day of March, 2008.

/s/ William H. Ricker
William H. Ricker
Attorney for Plaintiff

GUST ROSENFELD, P.L.C.

/s/ Peter Collins, Jr.
Peter Collins, Jr.
Attorneys for Plaintiff

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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of March, 2008, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF system for filing. A copy of the attached document with a Notice of Electronic Filing was mailed to the following:

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